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11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 UNITED STATES OF AMERICA, ) CIVIL CASE NO. 20-02013-VC  
15 Plaintiff, )  
16 v. )  
17 )  
18 ONE PARCEL OF REAL PROPERTY) **GOVERNMENT'S RESPONSE TO**  
LOCATED AT 9414 PLAZA POINT DRIVE,) **CLAIMANT ROWLAND MARCUS**  
19 MISSOURI CITY, TEXAS, 77459, ) **ANDRADE'S MOTION TO ADVANCE THE**  
20 ) **DISCOVERY TIMELINE**  
Defendant, )  
ROWLAND MARCUS ANDRADE, )  
Claimant, )  
SOLMAZ ANDRADE, )  
Claimant, and )  
WILMINGTON SAVINGS FUND SOCIETY, )  
FSB as trustee for IRP FUND II TRUST 2A, )  
Claimant.

1           The United States of America, by its attorneys, David L. Anderson, United States Attorney, and  
2 Chris Kaltsas, Assistant United States Attorney for the Northern District of California, respectfully  
3 submits this response and opposition to claimant Rowland Marcus Andrade's ("claimant's") motion to  
4 advance the discovery timeline. In sum, claimant has not demonstrated good cause for advancing the Case  
5 Management Conference timeline the Court has already propounded. See Dkt. No. 21. Claimant asserts  
6 that the nature of current events, i.e. the COVID-19 pandemic, demands the advancement of this Court's  
7 discovery schedule because of the potential harm claimant faces. Dkt. No. 22, Claimant's Motion to  
8 Modify Discovery Schedule, at ¶3. Claimant has not explained what this harm would be. Rather,  
9 Claimant merely asserts a preference for beginning discovery as early as possible in order to timely resolve  
10 this matter. Id. at ¶¶ 7, 13.

11           The Government plans to work with Claimant to ensure that this matter is resolved as smoothly  
12 and efficiently as possible, especially in light of the current pandemic. In that spirit, the Government  
13 offered to agree that a June 15, 2020 Case Management Conference would be appropriate. See Dkt. No.  
14 22-2 at 2. Claimant never responded to the Government's offer in compromise, as indicated by a lack of  
15 a corresponding exhibit. Claimant also never indicated whether he sought approval from other parties  
16 before requesting the advanced discovery date or before filing this motion. Moreover, as noted in Exhibit  
17 B to Claimant's motion, the COVID-19 pandemic provides good cause to adhere to a later discovery  
18 schedule. The Government attorney assigned to this matter cannot easily access all discovery relevant to  
19 this matter until the United States Attorney's Office, the local office of the Federal Bureau of Investigation,  
20 and the local office of the Internal Revenue Service – Criminal Investigation Division open. The  
21 Government cannot currently discern when each of those offices will open, or when local authorities will  
22 alter the Shelter in Place order currently in effect in the San Francisco Bay Area.

23           The Government is hopeful that it will be able to access all necessary resources to adequately  
24 address Claimant's discovery requests by mid-June, which is why the Government offered to agree to a  
25 mid-June date for a Case Management Conference. Access to the resources of each of the offices  
26 mentioned above is critical in light of the discovery requests Claimant intends to serve upon the

1 Government, which includes 25 interrogatories, 145 requests for admission, and 319 requests for  
2 production. See generally Dkt. 22-4. To that end, the Government is not sure that these resources will be  
3 available by then. The later date originally the Government originally offered to Claimant, however, is  
4 preferable in light of all the limitations the Government faces at the moment and the likelihood that more  
5 resources will be available in mid-June than are available now.

6 Allowing the parties to serve discovery immediately would have no demonstrable impact on  
7 Claimant, and an unknown impact on other Claimants. The Government thus respectfully requests that  
8 the Court deny Claimant's motion to advance the discovery timeline the Court has set with respect to the  
9 Case Management Conference. The Government further requests, to the extent the Court is inclined to  
10 advance the date of the Case Management Conference, that the Court not set the Case Management  
11 Conference before June 15, 2020.

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13 DATED: May 27, 2020

Respectfully submitted,

14 DAVID L. ANDERSON  
15 United States Attorney

16 */S/ Chris Kaltsas*  
17 CHRIS KALTSAS  
18 Assistant United States Attorney

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